

**SCHOOL ORGANISATION PLANNING: PROPOSAL TO MAKE A
REGULATED ALTERNATION TO GREENHILL SPECIAL
SCHOOL**

**EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH
MERRY)**

AGENDA ITEM: 5

Reason for this Report

1. This report is to inform the Cabinet of a modification to the proposal to make a regulated alternation to Greenhill Special School by extending the age range from 11-16 – 11–19 and to seek agreement for the modified date for implementation of the proposal from 01 September 2019.

Background

2. At its meeting on 05 July 2018 the Cabinet resolved that subject to approval by the Welsh Government, the proposal to extend the age range of Greenhill from 11-16 to 11-19 be approved (This change requires determination by Welsh Ministers). (A copy of the Cabinet Report (School Organisation Planning: Improving specialist provision for children and young people with additional learning needs 2018-19) can be seen at Appendix 1)

Issues

3. The Cabinet Secretary for Education (“the Cabinet Secretary”), one of the Welsh Ministers, has considered the proposal to extend the age range of Greenhill Special School from 11-16 to 11-19 and increase its capacity. Proposals that affect post-16 provision require the approval of Welsh Ministers under section 50 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”).
4. The Welsh Ministers exercise their school reorganisation functions in accordance with the 2013 Act and the School Organisation Code (“the Code”) made under it. Where proposals require their consideration, the Welsh Ministers must decide to approve the proposals, reject the proposals or following agreement of the local authority and having consulted with the governing body approve the proposal with modification.

5. In a letter dated 07 November 2018, the Welsh Government advised that the Cabinet Secretary for Education had decided to approve the proposal with modification to the effect that it will be implemented on 1 September 2019, a year later than the date proposed. (A copy of the letter can be seen at appendix 2).
6. The Cabinet Secretary considers that the extended provision at Greenhill Special School will increase opportunities for learners who attend the school but considers that modifying the implementation date to 1 September 2019 will provide the school and local authority with ample time to do this.
7. The Cabinet Secretary is satisfied that the proposal is likely to:
 - At least maintain current standards of education in the area;
 - Contribute towards meeting current and future demand for post-16 ALN provision;
 - Provide young people with emotional health and well-being needs the opportunity to transition to College or employment when they are emotionally ready and capable to do so at the end of Year 12; and
 - Lead to an improvement in educational achievements of pupils who are above compulsory school age but below the age of 19.
8. In accordance with the Schools Organisation Code, before making a modification, the Welsh Ministers must obtain agreement from the proposer in this case the local authority and consult with the governing body. Subject to this the proposal is approved with a modified implementation date of 1 September 2019.
9. At their meeting on 03 December 2018, the Governing Body of Greenhill Special School unanimously agreed with the proposals set out in the 07 November letter and the proposed implementation date of 01/09/19.

Local Member consultation

10. Greenhill Special School is a county wide provision and all members were consulted as part of the consultation on the proposal to establish post 16 provision at the school.

Reason for Recommendations

11. To improve outcomes for children and young people with additional learning needs, by extending the age range of Greenhill Special School.
12. The proposal forms a part of the wider ALN Strategy, to improve support and provision in all schools and settings, including a commitment to further developing the inclusive character of our mainstream schools.

Financial Implications

13. This report recommends the extension of the age range for Greenhill Special School with effect from 1 September 2019. Any additional recurring revenue costs arising from an increase in pupil numbers will be met from within the overall schools budget and external post-16 grant funding. The capital expenditure required to modify the school buildings will be funded from within the existing allocations that form part of the Council's approved capital programme. The future redevelopment of the school will form part of the Council's 21st Century Schools Band B Programme and is independent of the proposed adaptations.

Legal Implications

14. Under the Education Act 1996, the Council has a general statutory obligation to promote high standards of education and to provide sufficient school places for pupils of compulsory school age. The Council also currently has obligations under the Education Act 1996 to carry out statutory assessments, create, amend and maintain statements of Special Educational Needs and to provide for pupils with Special Educational Needs. From 2020, the Council will have to comply with the Additional Learning Needs and Educational Tribunal (Wales) Act 2018.
15. A local authority can make proposals to make regulated alterations to a community school which include enlargement of the premises to increase its capacity under section 42 and Schedule 2 of the Schools Standards and Organisation (Wales) Act 2013. The Council is required prior to publishing its proposals to undertake a consultation on those proposals in accordance with section 48 of that Act and the School Organisation Code. Any proposals must be the subject of full and fair consultation and due regard must be had by the Cabinet to the responses before a final decision is taken. This report seeks approval to modify a proposal that has already been published.
16. The decision about these recommendations has to be made in the context of the Council's public sector equality duties. The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. If the recommendations in the report are accepted and when any alternative options are considered, the Council will have to consider further the equalities implication and an Equality Impact Assessment may need to be completed.
17. The Council also has to consider its obligation under section 88 and schedule 10 of the Equality Act 2010 to prepare and implement an

accessibility strategy. The strategy should increase disabled pupils' access to the curriculum and improve the physical environment and the provision of information. Section 84 and 85 of the School Standards and Organisation (Wales) Act 2013 and the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013, set out the statutory obligations for all local authorities to prepare, submit, publish and revise Welsh in Education Strategic Plans (WESPs).

18. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, the original cabinet report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural *well-being* of Wales.

HR Implications

19. The Council has a Human Resource Framework which was produced in consultation with key stakeholders, including headteachers, governors, and trade unions. It provides the basis for managing the human resources issues associated with School Organisation and Planning and its purpose is to support governing bodies and staff working in schools.
20. HR People Services will work with the governing body of Greenhill School to assess the workforce requirements and under the Framework will encourage governors to consider the requirements of their staffing structure in light of the expansion. Where this results in a requirement for additional staffing, this will create redeployment opportunities under the School Redeployment and Redundancy Policy.
21. The Education director will need to consider supporting the governing body with undertaking an assessment of training and development needs for existing staff so that they are able, wherever possible, to fulfil the requirements of the extended age range.

Traffic and Transport

22. Traffic and Transport implications for the proposal were set out in the Cabinet Report of 05 July 2018. There are no changes to the implications arising from this proposed change in the implementation date.

RECOMMENDATIONS

The Cabinet is recommended to:

1. Note Welsh Government approval of the proposal subject to agreement of the modified date for implementation.

2. Agree the modified date for implementation of the proposal to extend the age range of Greenhill Special School from 11-16 – 11-19 and to increase its capacity with effect from 01 September 2019.

SENIOR RESPONSIBLE OFFICER	NICK BATCHELAR Director of Education & Lifelong
	7 December 2018

The following appendices are attached:

- Appendix 1 - Cabinet Report (School Organisation Planning: Improving specialist provision for children and young people with additional learning needs 2018-19)
- Appendix 2 – Welsh Government letter
- Appendix 3 Letter from Chair of Governing Body